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## Seniors and Special Needs News - July 10, 2015

1 message

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Fri, Jul 10, 2015 at 9:00 PM

With help, seniors and people with special needs can keep some of their assets in the family rather than lose their entire life savings to the costs of long term care. They can use these protected assets to enhance their quality of life beyond what long term care alone will provide.

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**The Koewler Law Firm**  
 JAMES L. KOEWLER, JR.



# Seniors and Special Needs News

## Legal Issues when someone has Dementia Consider a Do Not Resuscitate Order

Today's newsletter continues the discussion of Legal Issues when someone has Dementia. The introductory newsletter (May 1, 2015) put forth the issue of "Who can speak for someone with dementia?" The May 15, 2015 newsletter discussed the situation where the person with dementia has Advance Directives in place. The May 22, 2015 newsletter discussed the legal issues in determining whether a dementia sufferer can choose to have new Advance Directives prepared. The May 31, 2015 newsletter discussed options in preparing a Health Care Power of Attorney. The June 5, 2015 newsletter discussed how to decide whether to prepare a Living Will. The June 12, 2015 newsletter discussed the General Power of Attorney. The June 19, 2015 newsletter discussed the importance of making the General Power of Attorney "durable." The June 26, 2015 newsletter discussed whether to make General Powers of Attorney "springing." The July 3, 2015 newsletter discussed revoking prior Powers of Attorney. To continue the series on legal issues when someone has dementia, today's newsletter will discuss Do Not Resuscitate orders.

Do Not Resuscitate orders are hard. Choosing to execute a Do Not Resuscitate order is a decision to allow death to take you (in the event that the lungs or heart stop.) Choosing a Do Not Resuscitate order (We'll call it a "DNR" frequently through the rest of this discussion.) is like choosing to execute a Living Will (discussed in the June 4, 2015 installment.) The difference between a DNR and a Living Will is a difference in the part of the body that is giving out. With a Living Will (at least for the purposes of this

ongoing blog about dementia sufferers,) the brain has given out. With a DNR, the heart or lungs have given out. A DNR and a Living Will are similar in that the person executing (Please remember from our earlier discussions, "executing" a document is a fancy way of saying that someone signed a document that has some legally significant result.) a DNR or Living Will is documenting a decision to be allowed to die from something that hasn't happened yet. With a Living Will, the principal (the person who executes the document) has chosen to let his or her body die if, in the future, his or her brain dies. With a DNR, the principal is choosing to die from a heart attack or respiratory distress that might happen in the future. (Just to avoid some reader's confusion, a Living Will is, in effect, a DNR for someone whose conscious brain has died while the autonomic nervous system is still keeping the vital organs going. If someone is in a persistent vegetative state and has executed a Living Will, that person will not be rescued from a heart attack or respiratory distress, in keeping with the wishes expressed in the Living Will. The possible causes of death of the body of the principal on a Living Will are not limited to heart and lung failures, though.)

Why would anyone choose to allow themselves to die from a heart attack or respiratory distress that hasn't yet (and may never) occur? In most cases, the principal chooses a DNR because the principal is facing some ailment that will lead to death in a more unpleasant way than a heart attack or respiratory failure. For example, someone suffering from an advanced cancer (for which no treatment is expected to help) might expect a long, painful death. Such a person might wish to die quickly from a heart attack rather than slowly from cancer. Such a cancer sufferer executing a DNR is NOT asking for a heart attack. The cancer sufferer who executes a DNR is telling the world, in effect, "Please don't bring me back from a heart attack because bringing me back will make me continue to suffer the pain of my cancer for a while longer."

Someone suffering from dementia might wish to make the same choice.

Someone suffering from dementia might wish to allow a heart attack to take them quickly than suffer through the prolonged decline of dementia. I certainly don't advocate executing a DNR, but I think I can understand why a dementia sufferer might want to have one.

Now, to be clear, the dementia sufferer that we are talking about is someone who has dementia but not advanced dementia. To legally execute a DNR (like with a Health Care Power of Attorney, Living Will, or General Power of Attorney,) the principal must understand what he or she is doing (according to the law in Ohio, where I work.) To have the ability to understand, the principal's dementia must not be advanced.

Unlike a Health Care Power of Attorney, a Living Will, and a General Power of Attorney that have been discussed in prior installments, the principal cannot execute a DNR by himself or herself. All DNRs (in Ohio, anyway) require the signature of a physician, certified nurse practitioner, certified nurse specialist, or physician assistant. The co-signature by the medical professional is a way to make sure that someone isn't executing a DNR out of

depression or some wish to die.

In summary, in addition to the Health Care Power of Attorney, Living Will, and General Power of Attorney discussed previously in this series, someone who has dementia that is not yet advanced may wish to consider a Do Not Resuscitate order.

## Suggest a Newsletter Topic

I try to write something new (and useful) in my newsletter every week. So, I know that I will sometimes have writer's block. I'd like your help, please.

If you have a topic for my newsletter that you'd kindly suggest, I promise to consider it. (I don't promise to pursue it. I just promise to consider it.) I try to write about issues concerning seniors, health care, long term care, special needs, Veterans Pension (aka Aid and Attendance) benefits, and Veterans Compensation benefits. Please keep your suggestions within or near to those topics.

Please submit your suggestion [here](#). If I use your topic suggestion, I'll put the content in both my blog and newsletter.

Thank you for your help.

## Social Media Posts from the past week

07-09-2015 #Gym especially for children with #Autism <http://ow.ly/OTHYi>

07-08-2015 Tools for the #FamilyCaregiver of an #AgingParent <http://ow.ly/Oj1oR>

07-07-2015 #LongTermCareInsurance shopping checklist <http://ow.ly/OSe8n>

07-06-2015 #MobileTechnology helps #AgingParents and #InHomeCare providers <http://ow.ly/OTzDb>

07-05-2015 Keep an eye open for #ElderAbuse <http://ow.ly/OTycq>

07-04-2015 How the #SupremeCourt ruling on the #AffordableCareAct (#ObamaCare) helps #AgingParents <http://ow.ly/OTx9P>

07-03-2015 #Legal Issues when someone has #Dementia – Revoke prior #PowersOfAttorney <http://wp.me/p47F09-cd>

Older social media posts can be found in the [social media post archive](#) on the firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

## The Koewler Law Firm News

7-30-2015 Jim Koewler will discuss the how elder law attorneys can help people who need long term care and people who have special needs as part of a panel presentation at Altercare of Wadsworth in Wadsworth, Ohio.

8-24-2015 Jim Koewler will discuss Advance Directives (General Power of Attorney, Health Care Power of Attorney, Living Will, etc.) at the Soprema Senior Center in Wadsworth, Ohio. Jim will provide help for a limited number of people to prepare and execute their Living Wills.

9-3-2015 Jim Koewler will discuss Helping Reluctant Seniors accept the benefits of Long Term Care at Stow-Glen Retirement Village in Stow, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

9-22-2015 Jim Koewler will discuss Money Management for Seniors at Chambrel of Montrose, a Brookdale Community, in Akron, Ohio.

10-28-2015 Jim Koewler will discuss Preventing Senior Fraud at Southwest General Medical Center in Middleburg Heights, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

Older items of firm news can be found in the [news archive](#) on the firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

## Jim's available presentations

- Overcoming Seniors' Resistance to Long Term Care (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- Preventing Senior Fraud (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- My Care Ohio and Medicare/Medicaid “Dual Eligibles” (Continuing Education credit available for social workers, counselors, and nurses)
- Navigating Medicaid, Medicare, and the Affordable Care Act (Continuing Education credit available for social workers, counselors, and nurses)
- Government Benefits that can help Pay for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Legal Issues for People with Dementia (Continuing Education credit available for social workers, counselors, and nurses)
- Protect your Life Savings from the Costs of Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Veterans Benefits for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)

- Advance Directives – Powers of Attorney, Living Wills, etc. (Continuing Education credit available for social workers, counselors, and nurses)
- Buying Long Term Care Insurance Wisely (Continuing Education credit available for social workers, counselors, and nurses)
- Planning Ahead to Protect against Long Term Care Costs (Continuing Education credit available for social workers, counselors, and nurses)
- Organizing for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Pre-planning your Funeral (Continuing Education credit available for social workers, counselors, and nurses)
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for the audience)
- What people Know about Long Term Care that is Wrong
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs

## **Upcoming meetings**

7-10-2015 UH Bedford Senior Network's Golf Outing, Briarwood Golf Club, Broadview Heights, Ohio

7-10-2015 Eldercare Professionals of Ohio, Arden Courts, Westlake, Ohio, 9:00 a.m.

7-15-2015 Geauga Professional Association Specializing in Seniors ("PASS"), Hamlet Retirement Community, Chagrin Falls, Ohio, 8:30 a.m.

7-20-2015 Medina County Senior Services Network's Education Committee, Tres Potrillos, Medina, Ohio, 11:30 a.m.

7-23-2015 Parma Hospital Senior Resource Network, Emeritus at Brookside Estates, Middleburg Heights, Ohio, 8:30 a.m.

7-23-2015 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.

7-24-2015 Eldercare Professionals of Ohio, Walton Manor, Cleveland, Ohio, 9:00 a.m.

7-28-2015 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

7-28-2015 Professional Networking Group Picnic, 1:00 p.m.

7-28-2015 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

7-30-2015 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.

8-4-2015 Aging Services Network of Euclid, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

8-5-2015 Stark Senior Services Network, Canton Baptist Temple, Canton, Ohio, 9:00 a.m.

8-5-2015 Richfield Chamber of Commerce luncheon, Days Inn and Suites, Richfield, Ohio, 11:45 a.m.

8-5-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.

## Newsletter Archive

Past issues of this newsletter can be found in the [newsletter archive](#) on the firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

## Contact Jim Koewler

If you'd like to contact Jim, this newsletter has a dedicated [contact page](#) on the firm's blog site, [ProtectingSeniorsNews.com](http://ProtectingSeniorsNews.com).

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